The Honorable James G. Crawford, Presiding

**Agenda**

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**Items on the Consent Agenda are considered routine and will be enacted by a single motion unless a member of the Board requests an item be removed. Any item removed from the Consent Agenda will be considered individually as part of the regular agenda.**

- Approval of Executive Committee minutes – September 25, 2019
- Approval of Transportation Demand Management Program expenditures and resolution

**Provide feedback**

- Presentation from the Executive Director of the Advanced Mobility Collective regarding drone technology

**Receive as information**
Delegates and Alternate Delegates Attending:  
Pamela Baldwin, Town of Pittsboro  
Kathleen Ferguson, Town of Hillsborough  
Amy Dalrymple, Lee County  
Penny Rich, Orange County (A)  

Donald Rains, Town of Princeton  
Rebecca Wyhof Salmon, City of Sanford  
James Hill, Durham County  
Jim Crawford, Chatham County

Delegates Absent:  
Butch Lawter, Johnston County (E)  
Ronnie Currin, Town of Rolesville (E)  
Sig Hutchinson, Wake County

DeDreana Freeman, City of Durham (E)  
Marc Phillips, Town of Carthage (E)

(A) – Alternate Delegate  
(E) – Excused Absence

TJCOG staff attending:  
Lee Worsley, Executive Director  
Renée Boyette, Administration & Member Services Director  
Erika Brown, Planner

Alana Keegan, Engagement Specialist  
John Hodges-Copple, Regional Planning Director  
Judy Weller, Finance Director

Call to Order, Welcome & Declaration of Quorum  
Chair Crawford called the meeting to order at 6:11 pm and declared that there was a quorum.

Approval of Agenda  
Chair Crawford presented the agenda for the September 25, 2019 Executive Committee meeting. Lee Worsley asked that the agenda order be readjusted in the Business section to reflect staff schedule changes; the change was made by unanimous consent. Chair Crawford asked for a motion to approve the modified agenda.

Ms. Ferguson made a motion to approve the agenda. Ms. Dalrymple seconded the motion; the motion was unanimously approved.

Recognitions and Presentations  
None

Consent Agenda  
• Approval of Executive Committee meeting minutes – June 26, 2019

Chair Crawford asked the Executive Committee if anyone wanted an item removed from the agenda; no requests were made. Chair Crawford then asked for a motion to approve the consent agenda.
Ms. Baldwin made a motion to approve the consent agenda. Mr. Phillips seconded; the motion was unanimously approved.

Business

- **Regional Housing Initiative Process**
Chair Crawford asked Mr. Worsley to present this item due to the absence of Housing Planner Erika Brown. Mr. Worsley provided background on the affordable housing conversation that was held during the August Board of Delegates meeting. He explained that the conversation resulted in the board adopting five priorities for TJCOG’s housing work, including the addition of a fifth priority to identify and work on a regional housing initiative. Mr. Worsley asked if any Executive Committee members had any thoughts or reactions to this new priority, adding that while the goal was important, it was equally important that TJCOG avoid duplicating efforts and provide substantial value to existing efforts.

Ms. Ferguson said that she had access to data that might be valuable to the COG for building upon the work. Ms. Dalrymple said that the City of Sanford had a tough meeting recently due to a dense development, remarking that there needed to be a parallel conversation between transportation and housing work as the two topics are completely interconnected.

- **Discuss Offering Finance as a Service for Small Member Governments**
Chair Crawford asked Mr. Worsley to provide clarification about the importance of the conversation and how the potential service came into discussion. While TJCOG represents Raleigh, Durham and Chapel Hill, the organization also represent a lot of smaller communities that need additional and different assistance from their regional government; finance as a service is one example of the type of services. Mr. Worsley introduced Ms. Boyette and Ms. Weller to discuss the potential service and the analysis their team had conducted.

Ms. Boyette explained that there are a variety of services offered by the COG to help TJCOG members do things more efficiently, less expensively or to address general staff capacity needs. The concept of finance as a service would be provided as a fee-for-service program, which would be a self-sustaining program. This would be a new way to expand TJCOG offerings as well and to provide more direct technical assistance to local governments.

Ms. Weller stated that based on statute, TJCOG staff or any other third-party vendor cannot be the sole financial officer. TJCOG would begin using Paychex, a system that provides payroll and electronic, cloud-based financial services for organizations. Ms. Weller explained that staff had identified a way for members to join on TJCOG’s Paychex account for an additional 20% with a waived entrance fee. This service would allow local government staff to free up time for additional services, provide segregation of duties, and help TJCOG generate more fee-for-service revenues. Accounts payable would be completed by TJCOG staff and managed through an MOU agreement.
For accounts payable, TJCOG would target members below 5,000 population. For payroll, TJCOG would target members below 10,000. Ms. Boyette and Ms. Weller asked if the committee had any questions about the proposed service.

Ms. Ferguson asked if there would be details about additional expenses and billable rates. Ms. Weller said this information would be identified as the program was build out to assess how rates compared.

Mr. Rains said the largest time consumer for Princeton are water and sewer bills and managing the distribution of third-party vendors. Mr. Rains also mentioned that a neighboring community in Johnston County struggles with this as well, and that many communities could benefit from assistance or leveraging multiple communities to get better costs for audits.

Ms. Baldwin said the idea, given the costs of services, would be a great idea to explore for many communities’ benefits.

Ms. Dalrymple said she believes there will be a lot of buy-in from smaller communities, especially with the struggle to compete with private sector jobs, a large concern for Goldston in Lee County.

Mr. Worsley mentioned that it is important for the region to assist local communities remain off the Local Government Commission’s list. He explained that the purpose of the presentation was to allow the COG to have done its due diligence and begin exploration of the idea.

Ms. Ferguson mentioned that this is the exact type of work that the Forum brought to the General Assembly to display the value of the COGs.

*By unanimous consent, the Executive Committee asked the staff to continue their effort and finalize their investigation of the project. The staff will provide further information by January 2020.*

**Regional Summit Update**
Chair Crawford asked Ms. Keegan to present this item. Ms. Keegan reminded the Executive Committee about the upcoming Regional Summit in Chatham County on October 10th and provided a highlight of the programming for the event. She explained that the planning committee was projecting roughly 300 attendees to partake in the morning keynote workshop and breakout sessions focused on transportation, housing, resilience, and economic mobility.

**Chair’s Report**
No report.

**Executive Director’s Report**
Mr. Worsley shared that TJCOG is talking with several communities in Moore County about the potential to share planning staff, another example of direct service being explored by the organization.

**Other Business**

*Chair Crawford made the decision to cancel the December 18th Board Meeting.*

**Closing Business**

Chair Crawford asked for a motion to adjourn the meeting.

*Ms. Ferguson made the motion. Ms. Baldwin seconded the motion; the motion passed unanimously.*

The meeting adjourned at 7:45 pm.

___________________________  __________________________
Alana Keegan, Recording Officer   James G. Crawford, Chair
Agenda Section: Consent Agenda

Approval of Transportation Demand Management Program expenditures and resolution

**Background:** TJCOG administers the Triangle Transportation Demand Management Program under the 7-Year Transportation Demand Management Plan. TJCOG performs the following activities for the program:

- Serves as the flow-through agency to reimburse Local Partners (i.e., GoTriangle, Town of Chapel Hill, City of Durham, UNC Chapel Hill, Duke University, NC State University, City of Raleigh, SmartCommute@RTP, Wake Tech Community College, Orange County, NC Central University, and new applicants) and tracks required matching funds from partners in the following way:
  - Aggregates funding from the sponsors: state funds from NCDOT, and federal funds allocated by the Capital Area MPO and Durham-Chapel Hill-Carrboro MPO, and
  - Tracks matching funds from the partners on quarterly invoices. Partners have certified that they will provide the required match.
- Issues a competitive “call for projects” from providers of TDM services,
- Facilitates an Oversight Committee of State and MPO staff that works with applicants to refine their proposals and makes recommendations for funding,
- Conducts evaluation and monitoring activities of the grant program, including annual reductions in vehicle miles traveled and commuter behavior, and
- Implements the Best Workplaces for Commuters program in the Triangle Region.

Table 1 provides a summary of the uses of the *estimated* budget for TDM marketing and outreach services in FY2021.

| TDM Service Delivery (pass-through funding) | $1,542,000 |
| Evaluation and Monitoring (TJCOG Staff/ Contractor) | $243,000 |
| TDM Administration (TJCOG Staff) | $134,500 |
| **FY2021 Total Program Budget** | **$1,919,500** |

**Recommendations:** Tonight, the Triangle J Board of Delegates is being asked to approve the total program budget for TDM activities in FY201. Funding will provide:

- TJCOG administration of the grant program
- TJCOG evaluation and monitoring activities related to the grant program
- Regional TDM marketing and outreach services provided by GoTriangle and TJCOG
- Local TDM services

The TJCOG Board is also being asked to approve the attached resolution certifying that TJCOG has secured the required cost share from our Local Partners. We are requiring official letters from each partner certifying that they will provide the required cost match.

**Staff Responsible:** Andrea Eilers, Energy & Environment Program Manager
PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2021 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (Board Member's Name) ______ and seconded by (Board Member's Name or N/A, if not required) ______ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for “purchase-of-service” projects under the Section 5310 program.

WHEREAS, (Legal Name of Applicant) Triangle J Council of Governments hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare
required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the (Authorized Official’s Title)* Executive Director of Triangle J Council of Governments is hereby authorized to submit grant application(s) for federal and state funding in response to NCDOT’s calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I, Hallie Allen, Office Assistant, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant’s Governing Board) Triangle J Council of Governments Board of Delegates duly held on the 26th day of February, 2020.

*Signature of Certifying Official

*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) __________________________

Notary Public *

______________________________

Printed Name and Address

My commission expires (date) __________________________
Triangle J Executive Committee Meeting
Agenda Comments – February 26, 2020

Agenda Section: Business
Presentation from Executive Director of the Advanced Mobility Collective regarding drone technology

**Background:** Mr. Todd Spain, The Executive Director of the Advanced Mobility Collective will be briefing the Executive Committee regarding mobility services including unmanned aerial systems (UAS or “drones”) and urban air mobility systems (UAM) that are on the verge of revolutionizing the transport of people and goods with highly automated and autonomous vehicles. Emerging mobility services, including many in use for public safety and emergency management today, range from medical package and food delivery to transportation of people and beyond. The discussion will include current and future opportunities and challenges for communities and considerations for what we should be doing now to embrace the economic development opportunities.

Triangle J Council of Governments has signed on as a partner with The Advanced Mobility Collective since the use of these systems will have a significant impact on local governments in the future and the potential for joint efforts around drone strategy may be useful.

**Recommendation(s):** It is recommended the Executive Committee receive the presentation and participate in conversation about the initiative.

**Staff Responsible:** Lee Worsley, Executive Director
Background: Triangle J Council of Governments last revised its Personnel Policy over ten years ago except for minor revisions. Over the past year and half, a complete review of the policy has been done by Lee Worsley, Renee Boyette, and Jenny Halsey in consultation with TJCOG legal counsel. In November 2019, the TJCOG Officers met and reviewed the entire policy. Throughout December and January, Lee Worsley and Jenny Halsey conducted staff focus group sessions to review the proposed changes and solicit feedback. Additional revisions have been made based on suggestions from the Officers and staff. A draft copy of the Personnel Policy was sent to the Executive Committee in early February to allow ample time for review.

During the February 26 Executive Committee meeting, staff will review the draft Personnel Policy, and highlight significant changes from the current version. The goal is to have the Executive Committee do a more in-depth review of the policy, endorse the draft and recommend it to the full Board of Delegates for adoption at the March 2020 Board of Delegates meeting. When the policy is approved, TJCOG staff will finalize administrative policies to support the Personnel Policy.

Most of the changes to the Personnel Policy will not have significant impact on staff and are changes to modernize the policy and to ensure that processes and policies align with the most current federal and state requirements. Following are the most significant changes that would be implemented with the adoption of the draft personnel policy:

- Clarifies that employees exempt from the Fair Labor Standards Act (FLSA) are expected to work a total of 37.5 hours per week (combination of hours worked, leave, holidays)
- Employees who are hired after adoption of the personnel policy would no longer be offered retiree health insurance as a benefit (all current TJCOG employees would remain eligible and would be grandfathered in)
- The Educational Assistance Program language is tweaked to clarify that assistance is for completion of a associates, bachelors or masters degree and the amount is recommended to be increased to $1500 per year (from $500)
- Adds two floating holidays to the TJCOG Holiday Schedule (added by the TJCOG Officers during their meeting)
- Increases vacation earned by TJCOG employees by 2 days for each earning level (based on comparisons with other COGS, TJCOG was at the lower level of leave accrual)
- Equalizes ability of exempt and non-exempt staff to both take leave in 15-minute increments. Currently exempt staff must take vacation in full day increments while non-exempt take in 15-minute increments. The policy is silent on how sick leave should be taken by exempt employees. The proposed policy clarifies this and treats exempt and non-exempt the same.
• Allows exempt employees to earn compensatory time off for hours worked over 37.5 hours. This will be capped at 40 hours through an administrative policy.
• Adds the option for employees to donate sick leave to another employee (this has occurred in the past, but is not currently outlined in the policy).

**Recommendation(s):** It is recommended the Executive Committee review the Personnel Policy and recommend that the Board of Delegates adopt the policy at their March 25, 2020 meeting.

**Staff Responsible:** Lee Worsley, Executive Director; Jenny Halsey, Human Resources Officer
ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

The purpose of this policy is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. This policy applies to all TJCOG employees under the supervision of the TJCOG Executive Director, except as may be otherwise provided by written agreement.

Section 2. At Will Employment

Nothing in this policy creates an employment contract or term between the TJCOG and its employees. No person has the authority to grant any employee any contractual rights of employment. All employees of the TJCOG are considered “at will” employees, which means that employees are free to leave the TJCOG’s service at any time and that employees may be terminated at any time.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual’s race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age, political affiliation, National Guard or veteran status, genetic information, or disability, race, color, religion, sex, national origin, political affiliation, disability, non-disqualifying disability, sexual preference, marital status, or age.

Section 4. Responsibilities of the TJCOG Board of Delegates

The TJCOG Board of Delegates shall be responsible for establishing and approving personnel policies, position pay grades and salary ranges, the position classification plan, and the pay plan, and may change the policies and benefits as necessary. The Board of Delegates also shall appoint the Executive Director and periodically evaluate his or her performance, with input from relevant sources such as members of various committees and staff.
Section 5. Responsibilities of the TJC O G Executive Director

The TJC O G Executive Director shall be responsible for the administration and technical direction of the personnel program. The TJC O G Executive Director is authorized to hire, discipline, and dismiss employees in keeping with these policies. The Executive Director is responsible for recommending the pay and classification plan for Board approval, shall appoint, suspend, establish position classification within TJC O G Board approved pay grades and remove all TJC O G employees, as necessary, and develop the pay and classification plan for the TJC O G Board of Delegates approval. The TJC O G Executive Director shall make appointments, dismissals and suspensions in accordance with these policies.

The TJC O G Executive Director also has authority over the following functions shall supervise or participate in:

A. Recommending rules and revisions to the personnel system to the TJC O G Board of Delegates for consideration;
B. Making changes as necessary to maintain an up-to-date and accurate position classification plan;
C. Preparing and recommending necessary revisions to the pay plan;
D. Determining which employees shall be subject to the overtime provisions of the Fair Labor Standards Act;
E. Determining the design of the organization chart and designating which positions serve as department heads;
F. Developing and administering such recruitment programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the TJC O G;
G. Developing rules and regulations to further implement this personnel policy;
H. Performing such other duties as may be assigned by the TJC O G Board not inconsistent with this Policy.

Section 6. Responsibilities of the Human Resources Officer

The responsibilities of the Human Resources Officer shall be to ensure the establishment, implementation and management of a modern personnel system reflecting the Equal Employment Opportunity and non-discriminatory vision and values of the TJC O G. These responsibilities include, but shall not be limited to, the following:

--- Recommending rules and revisions to the personnel system to the Executive Director.
for consideration:
--- Recommending to the Executive Director changes as necessary to maintain an up-to-date and accurate position classification plan;
--- Recommending to the Executive Director necessary revisions to the pay plan;
--- Recommending to the Executive Director which employees shall be subject to the overtime provisions of the Fair Labor Standards Act;
--- Maintaining a roster of all persons employed by the TJCOG;
--- Establishing and maintaining a list of allocated positions at the TJCOG at the beginning of each fiscal year, which identifies each allocated position, class title of position, salary range, any changes in class title and status, and other such data as may be desirable or useful;
--- Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the TJCOG;
--- Developing and coordinating human resource training and educational programs for the TJCOG employees;
--- Periodically investigating the operation and effectiveness of the personnel provisions of this Policy; and
--- Performing such other duties as may be assigned by the Executive Director and not inconsistent with this Policy.

Section 76. Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all TJCOG employees except as may be otherwise provided by written agreement or by action of the Board. The TJCOG Executive Director, members of the TJCOG Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, up to and including dismissal, as well as prosecution under any civil or criminal laws which laws that have been violated referral to law enforcement if criminal wrongdoing is suspected.

Section 7. Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the TJCOG, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the TJCOG Executive Director, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Section 8. Definitions
For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Full-time employee.** An employee who is in a position for which an average work week equals at least 37.5 hours.

**Part-time employee.** An employee who is in a position with an average work week of less than 37.5 hours.

**Temporary employee.** An employee appointed to a position either full or part-time by the TJCOG with an established termination date of 12 months or less.

**Trainee.** An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

**Permanant position.** A position authorized for the budget year for a full twelve months. All TJCOG positions are subject to budget review and approval each year by the TJCOG Board and all employees work and conduct must meet TJCOG standards. Therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Allocated Position:** A position approved by the Board of Delegates and assigned a specific job title, salary grade, salary range, duties, and minimum qualifications in the classification and pay plans.

**Authorized Position:** An allocated position that is funded. Appointments to authorized positions are made through a competitive selection process. All TJCOG positions are subject to budget review and approval each year by the Board of Delegates.

**Continuous Service:** Employment with the TJCOG without a termination and rehire break in service, not including extended medical leaves of absence. Continuous service in regards to the Health Insurance for Retirees only includes regular full-time employees.

**Grievance:** A written claim or complaint by an employee based upon an event or condition that affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment expectations.
**Immediate Family:** The employee’s spouse, child, parent or step-parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law or father-in-law, or guardian. Step relationships of the previous list are also part of this definition.

**Pay Status:** A designation for an employee that is working or is on paid leave (vacation leave or sick leave). An employee on unpaid leave is not in pay status.

**Probationary Employee:** A person appointed or promoted to a regular full-time or part-time position who has not successfully completed the designated probationary period.

**Probationary Period:** The initial six (6) months of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed twelve (12) months.

**Regular Full-Time Employee:** A person appointed to a full-time authorized position, for which a workweek equals 37.5 or more hours.

**Regular Part-Time Employee:** A person appointed to a part-time authorized position and who normally works less than 37.5 hours per workweek.

**Temporary Employee:** A person hired to perform additional extra help, to fill a temporary vacancy, or to provide project support when there is no reasonable expectation that project funding will be on-going; many work on a seasonal or short-term basis. Temporary employees are paid on an hourly basis only for hours actually worked, may not work more than 37.5 hours per workweek, and must work less than 1000 hours in a one-year period.

**Exempt:** A person excluded from the minimum wage and maximum hour requirements of the Fair Labor Standards Act (hereinafter the "FLSA") as set forth therein.

**Non-exempt:** A person subject to the overtime provisions requirements of the FLSA as set forth therein.
ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized and permanent allocated positions in the TJCOG service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

A. a grouping of positions in classes which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
B. class titles descriptive of the work of the class;
C. written specifications job descriptions for each class of positions; and
D. an allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

Class specifications shall describe the type and scope of work performed, but additional duties may be assigned by the supervisor and/or Executive Director. However, tasks that are similar in nature may be assigned to a position in a classification without being specified on the class specification. The classification plan shall be used:

A. as a guide in recruiting and examining applicants for employment;
B. in determining lines of promotion and in developing employee training programs;
C. in determining the salary to be paid for various types of work;
D. in determining personnel service items costs form departmental budgets; and
E. in providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The TJCOG Executive Director shall allocate each position to its appropriate class, and shall be responsible for the administration of the position classification plan. The TJCOG Executive Director shall insure a periodic review of portions of the classification plan and recommend appropriate changes to the Board of Delegates.
Section 5. Authorization of the Position Classification Plan

The TJCOG Executive Director shall recommend placement of each allocated position to the appropriate class in the classification plan. The position classification plan shall be approved by the TJCOG Board of Delegates and maintained by the Human Resources Officer on file with the Finance Director. Copies will be available to all the TJCOG employees for review upon request.

New positions shall be established upon recommendation of the TJCOG Executive Director and approval of the TJCOG Board of Delegates, after which the TJCOG Executive Director shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.

Section 6. Request for Reclassification

Any department head who considers a position within their department to be misclassified, shall submit a written request for reclassification to the Human Resources Officer.

Any employee who considers his or her position to be improperly classified shall submit a request in writing for a position study to such employee’s immediate supervisor, who shall immediately transmit the request through the department head to the Executive Director. Upon receipt of such request, the Executive Director shall study the request, determine the merit of the reclassification request, and make recommend to the Executive Director any necessary revisions to the classification of the position. Department heads are responsible for reviewing the allocation of positions to functions and classifications annually as part of the budget process. Such review shall be to determine the most accurate classifications and the most equitable, effective, and efficient use of human resources.

Section 7. Working Titles

Working titles for staff indicate an employee’s functional responsibility, particularly when the classification title alone is not sufficiently descriptive. Classification titles are broad and are used to distinguish a grouping of similar positions across a variety of settings, whereas a working title is specific to an actual position and more accurately represents the scope of a position to potential candidates.

The Executive Director must approve all TJCOG working titles.
ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "List Assignment of Classes Arranged by Grades and Salary Ranges" adopted by the TJCOC Board of Delegates. The salary schedule consists of amounts for hiring, minimum, midpoint, and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The TJCOC Executive Director shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area relevant labor market, the impacts of inflation, the financial conditions of the TJCOC, and other factors. To this end, from time to time the Executive Director shall make comparative studies of all factors affecting the level of salary ranges and will recommend to the TJCOC Board of Delegates such changes in salary ranges as appear to be pertinent. Such assignments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the TJCOC Board of Delegates.

Section 3. Starting Salaries

Starting salaries will generally be set at the bottom of the salary range applicable to the position, unless a higher salary is approved by the Executive Director based on the applicant’s exceptional qualifications or organizational need. All persons employed in positions approved in the position classification plan shall be employed at the hiring salary for the classification in which they are employed. Starting salaries will be determined based on organizational, market, internal equity and budgetary considerations. However, exceptionally well qualified applicants may be employed above the hiring rate of the established salary range upon approval of the TJCOC Executive Director.

Section 4. Trainee Designation and Provisions
Applicants being considered for employment or TJCOG employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head.

"Trainee" salaries shall be one or two grades below the hiring minimum salary established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed. The supervisor will recommend to the department head and Executive Director when the trainee has successfully completed the trainee period.

If the training is not successfully completed to the satisfaction of the TJCOG supervisor, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring minimum rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Probationary Employees hired, promoted, or reclassified into the hiring rate of the pay range shall receive a 5% salary increase within the range of upon increase, upon successful completion of the probationary period as described in Article IV Section 4 of this policy. Employees hired or promoted at or above the minimum rate of the appropriate grade may be considered for a probationary increase depending on performance levels and consistent with performance pay policies. Upon successful completion of the probationary period, the individual would be eligible for merit increases after the person has been in the position for a full year.

Section 6. Performance Pay

Upward movement within the established salary range for an employee is not automatic but rather based on specific performance-related reasons. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the TJCOG Executive Director.

Permanent Regular employees are eligible to receive one-time annual bonuses for special achievement. The maximum amount for one-time annual bonuses for special achievement shall not exceed $1500 and is subject to availability of funds and implementation procedures established by the Executive Director.
Section 7. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions. When an employee is promoted, the employee’s salary shall increase at least 5%, normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least 5% over the employee’s salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range or be increased to the range applicable to the new position. The specific salary will be set by the Executive Director will approve the specific salary based on funds available and the employee’s qualifications and experience. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not the result of disciplinary action. If the current salary is within the new range, the employee’s salary may be retained at the previous rate. If the demotion is the result of disciplinary action, the salary shall be decreased at least 5%, or to the maximum of the new range, whichever is lower.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of at least 2.5% or an increase to the minimum of the new pay range, whichever is higher. If the employee has completed probation, the employee’s salary shall be advanced to at least the probation completion amount in the new range.

If the position is reclassified to a lower pay range, the employee’s salary shall remain the same. If the employee’s salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee’s salary.

Section 8. Salary Effect of Salary Range Revisions

A salary range revision is a change in the salary range assigned to a specific class of positions. The change may be based upon a review of salaries in the relevant labor market, recruitment and retention data, or increased complexity in job content, or an increase or decrease in available funding. The Executive Director will consider salary equity relative to
job responsibilities, organizational financial conditions, and other management needs when determining whether to recommend to the Board of Delegates a salary range revision. When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 2.5%, or to the hiring rate of the new range, whichever is higher. If the employee has passed probation, the employee’s salary shall be advanced at least to the probation completion amount in the new range.

When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee’s salary range is increased above the employee’s current salary.

Section 9. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

A. No employee shall receive a salary reduction as a result of the transition to a new salary plan, unless required by a reduction in available funds.
B. All employees being paid at a rate lower than the hiring rate new-minimum rate established for their respective classes shall have their salaries raised to the new hiring-minimum rate for their classes.
C. All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate in the appropriate salary range.
D. All employees being paid at a rate equal to or above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the salary range is increased above the employees’ current salary.

Section 10. Effective Date of Salary Changes

Approved salary changes shall become effective on the date specified in the salary change notice submitted by the supervisor and authorized by the Executive Director, approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the TJCOC Executive Director.


Employees of the TJCOC can be requested and may be required to work hours in excess of their regularly scheduled hours as necessitated by the needs of the TJCOC and determined by the department head.
To the extent that local government jurisdictions are so required, the TJCOG will comply with the Fair Labor Standards Act (FLSA). The TJCOG Executive Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

It is the policy of the TJCOG to compensate non-exempt employees for overtime worked by granting compensatory time off rather than monetary payment, whenever possible.

Non-exempt employees will be paid compensated at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered.

Whenever practicable, departments supervisors will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid compensated in accordance with the FLSA and the TJCOG's administrative policy.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor in accordance with procedures established by the TJCOG Executive Director. Employees will receive compensatory time off for hours worked over 40 per week. This will be compensated at straight time rate for hours. Such compensatory leave is not guaranteed to be taken and ends without compensation upon separation from the organization.

Section 12. Payroll Deduction

Deductions shall be made from each employee's salary as required or allowed by law. Additional deductions may be made upon the request of the employee on determination by the TJCOG Executive Director as to the capability of payroll equipment and appropriateness of the deduction.

Section 13. Hourly Rate of Pay

The annual salary on the pay scale annually adopted by the TJCOG Board of Delegates will apply to all regular employees. Hourly rates for employees appointed for less than full-time service will be paid a pro-rated amount determined by converting the established full-time salary to an hourly rate.
Section 14. Longevity Pay

Employees hired prior to January 1, 2013 shall receive longevity pay in a lump sum check issued on the Friday last pay date before Thanksgiving of each year. Service time for longevity payments shall be calculated based on the permanent hire dates into a public sector function - regular position with the Triangle J Council of Governments. Permanent Regular employees who are eligible for receive longevity pay based on the total number of completed years of service as of December 31 of the calendar year in which the check is issued. Part time employees who are eligible for to receive longevity pay based on the total number of completed years of service as of December 31 and pro-rated based on the average number of hours worked per week, Longevity pay amounts shall be calculated as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Longevity Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 9</td>
<td>$ 600</td>
</tr>
<tr>
<td>10 - 19</td>
<td>$ 900</td>
</tr>
<tr>
<td>20 +</td>
<td>$ 1,200</td>
</tr>
</tbody>
</table>
ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the TJCOG to foster, maintain and promote equal employment opportunity. The TJCOG shall select employees on the basis of the applicant’s qualifications for the job without regard to age, sex, race, color, religion, national origin, disability, political affiliation, sexual orientation, or marital status. The TJCOG shall also offer compensation and opportunity for training, advancement and promotion to current employees without regard to age, sex, race, color, religion, national origin, disability, political affiliation, sexual orientation, or marital status. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of required duties with or without reasonable accommodation.

Section 2. Implementation of Equal Employment Opportunity Policy

This Equal Employment Opportunity Policy and its implementation will be reviewed regularly to assure that equal employment opportunity based on reasonable, job-related requirements is being actively followed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, sexual orientation, or marital status. Notices with regard to equal employment opportunity matters shall be posted in conspicuous places on the TJC OG premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the TJC OG shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be advertised in order to create a qualified and diverse pool of applicants. In addition, notice of vacancies shall be communicated to the TJC OG employees. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for the TJC OG service. The North Carolina Division of Employment Security shall normally be used as a recruitment source.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.
**Application for Employment.** All persons expressing interest in employment with the TJCOG shall be given the opportunity to file an application for employment for vacant positions.

**Application Reserve File.** Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission the North Carolina Records Retention and Disposition Schedule guidelines.

**Selection.** Department heads shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the TJCOG shall be valid measures of job performance.

**Appointment.** Before any commitment is made to an applicant either internal or external, the department head shall make recommendations including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates to the TJCOG Executive Director.

### Section 4. Probationary Period

A person appointed or promoted to a regular full-time or part-time position shall serve a six-month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance standards and progress. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend to the Executive Director in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months but shall not exceed twelve months in total. An employee who successfully completes the probationary period will be considered a regular employee of the TJCOG.

Disciplinary action, including demotion, suspension and dismissal, may be taken at any time during the probationary period. An employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Probationary employees retain all other rights and benefits such as the right to use of the grievance procedures, except when demoted, suspended or dismissed.
Section 5. Promotion

Promotion is the movement of an employee from one position to a position in a class assigned to a higher salary range. It is the TJCOC's policy to create career opportunities for its employees whenever possible. The TJCOC will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except where previous TJCOC experience is essential or exceptional qualifications of an internal candidate so indicate, the TJCOC will consider external and internal candidates. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. When a position is advertised externally, internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this policy.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The department head wishing to transfer an employee to a different department or classification shall make a recommendation to the TJCOC Executive Director with the consent of the receiving department head. The Executive Director has the authority to make transfers he/she feels are in the best interest of the organization. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.
ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Supervisors, in consultation with department heads, Department heads shall establish work schedules, with the approval of the TJCOG Executive Director, which meet the operational needs of the department in the most cost effective manner possible. The work week is 37.5 hours and must be met with a combination of time worked, approved vacation/sick/compensatory leave, or holiday leave. Alternative and flexible work schedules should be established in accordance to TJCOG’s administrative policy. For FLSA and timekeeping purposes, the TJCOG workweek begins on Sunday at 12:01 AM and ends at midnight on Saturday.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations, in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

A. Engage in any political or partisan activity while on duty;
B. Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
C. Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
D. Coerce or compel contributions from another employee of the TJCOG for political or partisan purposes;
E. Use any supplies or equipment of the TJCOG for political or partisan purposes; or F. Be a candidate for nomination or election to an elected office, or hold an elected position in a TJCOG member organization.

Any violation of this section shall subject the employee to disciplinary action up to and including dismissal.

Section 3. Outside Employment

The work of the TJCOG shall have precedence over other occupational interests of full-time employees. Outside employment for salaries, wages, or commission and self-employment must be reported in advance to the employee’s supervisor, who in turn will
report it through the department head to the Executive Director. The Executive Director will review such employment for possible conflict of interest and decide whether to approve the work. Conflicting outside employment is grounds for disciplinary action up to and including dismissal.

The TJCOG understands that employees in positions that are less than full-time may also hold outside employment. It is expected that these employees will coordinate outside activities in a manner that will meet the TJCOG's business needs. Part-time employees are expected to disclose outside employment to their immediate supervisor for purposes of determining if there is a conflict of interest.

**Section 4. Dual Employment**

Prior approval from the Executive Director and immediate supervisor are required for a TJCOG employee to simultaneously hold two positions for the TJCOG. Prior to approving such an arrangement, the Executive Director and supervisor should consider whether the additional duties may cause the employee to be eligible for overtime pay, and if so, the budgetary impact.

Employees who voluntarily elect to work occasionally or sporadically on a part-time basis for the TJCOG in a different capacity from their regular employment will not have the hours from the secondary work combined with their primary hours for purposes of calculating overtime. Such secondary employment must be purely voluntary and must not interfere with the completion of the employee’s primary job duties. Employees may not take paid leave from one position with TJCOG in order to perform other work paid by TJCOG. A full or part-time employee may simultaneously hold another position with the TJCOG if the temporary position is in a different department and clearly different program area, a substantially different capacity and occupational area and involves only occasional or sporadic work. Under these stipulations, the work of the full or part-time position shall take precedence over the temporary position, and such work will not count toward the calculation of overtime for pay or time off. Any other situation falls under the FLSA guidelines which require weighted average pay scales and/or using all hours worked collectively in both jobs to calculate overtime liability for any hours exceeding 40 hours per week.

**Section 45. Employment of Relatives**

The TJCOG prohibits the hiring and employment of immediate family in permanent regular positions with the TJCOG is subject to the conditions of this section within the same work unit. "Immediate Family" is defined in Article HI, Section 128. The TJCOG also prohibits the employment of any person into a permanent regular position who is an immediate family member of individuals holding the following positions: TJCOG Board Member, TJCOG Executive Director, or Finance Officer. Otherwise, the TJCOG will consider employing family
members or related persons in the service of the TJCOG, provided that such employment does not:

A. result in a relative supervising a relative in the supervisory chain as outlined in the organizational chart;
B. result in a relative auditing the work of a relative; or
C. create a conflict of interest with either relative and the TJCOG; or
D. create the potential or perception of favoritism.

All current employees have an ongoing duty to report to their immediate supervisor any immediate familial relationship with another employee or job applicant. In addition, job applicants are required to report any immediate familial relationship with a current employee upon application. Failure to report such a relationship may result in disciplinary action for an employee, and withdrawal of a job offer.

Section 5. Sexual Harassment

The TJCOG opposes sexual harassment by supervisors and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The TJCOG expects that each individual, regardless of gender, will be treated with courtesy and respect by all supervisors and by all fellow employees, and that explicit or implicit sexual overtures will be kept out of the workplace. To this end, sexual harassment at any level is forbidden, and evidence of sexual harassment may result in disciplinary action up to and including dismissal.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or workplace success; or
2. submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
3. such conduct is sufficiently severe, persistent or pervasive so that it has the purpose or effect of unreasonably interfering with an employee's work or performance or creating an abusive, intimidating, hostile, or offensive work environment.
Examples of sexually harassing conduct include, but are not limited to, deliberate, unwelcome touching of a sexual nature or that takes on sexual connotations; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual’s body; sexually degrading words used toward an individual or to describe an individual; and the display of sexually suggestive objects or pictures. Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by employees or prospective employees.

It is possible for sexual harassment to occur at various levels: between co-workers; between supervisors and subordinates; or imposed by non-employees, including visitors, on employees. In addition, sexual harassment can occur between members of the opposite sex or the same sex.

Sexual Harassment Complaint Procedure

Complaints of harassment or discrimination that is not sexual harassment should be brought to TJCOG through the general grievance policy.

A. Informal Resolution

Reports of sexual harassment may be addressed informally through such methods as conferences or mediation, and TJCOG encourages the use of such procedures to the extent possible. If an informal process is used, the official responding to the complaint must notify the complainant in writing of his or her option to request formal procedures at any time and must make a copy of this policy and other relevant policies available. In those circumstances where informal procedures fail or are inappropriate or where the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the following procedure.

B. Reporting Complaint

a. An employee or job applicant who believes he or she has been sexually harassed may make a complaint orally or in writing with any of the following:
   • immediate supervisor;
   • the human resources officer;
   • Executive Director; or
   • Any member of the Board of Delegates, if the complaint involves allegations of harassment by the Executive Director.

Any person receiving a complaint of sexual harassment should have another person present when hearing the complaint (with deference to the complainant’s preference of witness or gender if possible under the circumstances). If it is not possible to have another person present, the complaint should be recorded if reasonably practicable, with consent of the complainant.
b. Complaints should be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints filed outside the thirty days will be investigated under this policy to the extent practicable. However, employees should recognize that delays in reporting may significantly impair the ability of the employer to investigate and respond effectively to such complaints.

c. Any supervisor who receives a sexual harassment complaint or has reason to believe an employee is being sexually harassed shall notify the human resources officer immediately. If the human resources officer is the accused harasser, the report shall be made to the executive director. Any supervisor who fails to report promptly allegations or claims of sexual harassment may be subject to disciplinary action.

2. Investigation
   a. Upon receiving notification of a harassment complaint, the human resources officer will investigate and/or supervise the investigation of the complaint.
   b. The investigator will impartially, promptly and thoroughly investigate the complaint. The investigator will interview (1) the complainant; (2) the accused harasser; and (3) any other persons the investigator has reason to believe may have relevant knowledge concerning the complaint.
   c. Information will be shared only with individuals who need the information in order to investigate and address the complaint appropriately.
   d. The investigation will review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

3. Investigator's Report
   a. The investigator will notify the complainant of the results of the investigation in writing within 15 days of receiving the complaint unless additional time is necessary to conduct an impartial, thorough investigation. The report to the complainant will specify:
      (1) whether the complaint was substantiated; and
      (2) if the investigator determines that sexual harassment has occurred, the investigator also will specify:
         • reasonable, timely, effective corrective action intended to end the harassment;
         • if needed, reasonable steps to address the effects of the harassment on the complainant; and
         • if needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
b. The accused harasser will be informed of the results of the investigation in regard to whether the complaint was substantiated, whether the accused harasser violated TJCOG policy or law (regardless of whether the complaint was substantiated), and what, if any, disciplinary actions or consequences will be imposed upon the accused harasser.

If the complainant is not satisfied with the results of the investigation, the complainant may appeal using Step 3 of the Grievance Policy.

Any employee who believes that he or she may have a complaint of sexual harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the TJCOG Executive Director or any department head. If the alleged harasser is the Executive Director, a confidential complaint may be filed with the TJCOG attorney, who will insure that an investigation is conducted into any allegation of sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation. All complaints will be treated confidentially to the extent allowable by law.

Upon receipt of a complaint of sexual harassment, any supervisor or department head must report the complaint to the Human Resources Officer, who will be the primary investigator. (If the Human Resources Officer is the alleged harasser, the primary investigator will be the Executive Director). The primary investigator should immediately meet with the complaining employee, review any information the employee provides, and interview witnesses if possible. The investigator should consult with the Council TJCOG attorney as appropriate. If the investigation reveals that the allegation is credible, immediate steps should be taken to prevent any further harassment or continuation of the hostile working environment. Retaliation against any employee for making or supporting a complaint of sexual harassment is prohibited.

Section 6. Requests for Disability-Related Accommodations
The TJCOG is committed to equal opportunity in employment for qualified individuals with disabilities. The TJCOG will provide reasonable accommodations to any qualified employee with a disability unless the accommodation would impose an undue hardship on the organization or would change the essential functions of the position.

A disability is:

- a physical or mental condition that substantially limits one or more major life activities
- having a record or history of such a condition
- being thought of as having such a condition (perceived to have a disability) or
- an impairment that occurs in episodes or that is in remission if it substantially limits a major life activity when it is active
A qualified individual means an employee or applicant who can perform the essential functions of the job with or without reasonable accommodations.

The essential functions of the position are the fundamental duties or primary reason the position exists.

A reasonable accommodation is a modification or adjustment to a position, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the position.

Reasonable Accommodations may include, but are not limited to:

- Making existing facilities readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters;
- Making a website or digital information accessible; or
- Allowing leave as an accommodation.

Employees are responsible for requesting reasonable accommodations if necessary to perform the essential functions of the job. Requests for accommodations should be made to the employee's immediate supervisor or the Human Resources Director. Information regarding a request for accommodations will be kept confidential and shared only with those with a legitimate job-related reason to know.

The Human Resources Officer/Director is responsible for facilitating an interactive process between the employee and the supervisor to determine if a reasonable accommodation can be provided. The HR Officer/Director may request medical documentation of the employee's functional limitations. The employee may be asked to communicate how the disability impacts his or her ability to perform the essential functions of the job, and to suggest accommodations that would assist in performing the job. The employee's supervisor and/or department head may be asked to provide information on the essential functions of the position, the relative effectiveness of proposed accommodations, and/or the impact the requested accommodation will have on the operations of the department. The HR Officer/Director may consult with the TJCOG attorney as needed to make an appropriate determination.

Upon completion of the interactive process, the Human Resources Officer/Director, in consultation with the Executive Director, is responsible for assessing whether or not the employee's requested workplace accommodation is reasonable and determining what, if any accommodation is most appropriate for both the employee and TJCOG. While consideration is given to the employee's preference, TJCOG will choose
from among reasonably effective accommodations and may select and implement the one that is most cost effective and easiest to provide. TJCOG The Council is not required to create a new position to accommodate an employee.

Section 67. Acceptance of Gifts and Favors

No official or employee of the TJCOG shall accept any gift, favor or thing of value (§50 or more) that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

Section 78. Employee Performance and Development Plans

Prior to the beginning of each fiscal year supervisors and/or department heads shall develop individual Employee Performance and Development Plans for each employee. The plans will specify expectations for employee performance and professional development. These plans shall be documented in writing and placed in the employee's personnel file. Supervisors shall conduct periodic performance conferences with each employee to review performance and make modifications to plans as needed based upon changing circumstances. Procedures for Employee Performance and Development Plans and conducting employee performance conferences shall be established by the Executive Director.

Section 89. Safety

Safety is the responsibility of both the TJCOG and employees. It is the policy of the TJCOG to establish a safe work environment for employees. The TJCOG shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 109. Substance Abuse Policy

It is the policy of the TJCOG that its workplace shall be drug-free in compliance with the Drug-free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D). The TJCOG may, from time to time, establish policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state,
federal, or other laws and regulations. The TJCOG's existing "Drug Free Work Place Policy," heretofore adopted by the Board of Delegates, shall remain in full force and effect until otherwise altered or repealed by the Board.
ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All permanent full-time and part-time employees of the TJCOG are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the TJCOG's discretion. Temporary employees are eligible only for workers' compensation.

Section 2. Group Health and Hospitalization Insurance

The TJCOG provides a group health and hospitalization insurance program for permanent regular full-time and certain part-time employees.

Permanent Regular part-time employees who are scheduled to work 30 hours or more per week may, if they so desire, purchase available group health insurance through the TJCOG for themselves and/or for their qualified dependents. A pro-rated amount of the cost of coverage paid for a permanent employee shall be paid by the TJCOG with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours. The TJCOG covers a pro-rated portion of the cost of health coverage for eligible part-time employees, calculated by the percentage of a full-time workweek the part-time employee is regularly scheduled to work.

Employees who qualify for group health insurance but opt to be covered on a partner's insurance are eligible for health insurance reimbursement from TJCOG. Employees can be reimbursed up to the amount of the monthly premium but not to exceed the amount as if they were covered by TJCOG. TJCOG requires annual certification from the employer of which they are covered under.

Information concerning cost and benefits shall be available to all employees from the Finance Director, Human Resources Officer.

Section 3. Group Life Insurance

The permanent full-time employee at two times the employee's annual salary rounded to the next higher $1,000 and to a maximum of $250,000. Additional coverage up to $100,000 is available for purchase and employees shall pay the full cost of this coverage.

Section 3.4. Other Optional Group Insurance Plans

The TJCOG may make other group insurance plans available to employees upon authorization of the TJCOG Executive Director or the TJCOG Board.
Information concerning benefits shall be available to all employees from the Human Resources Officer.

Section 45. Retirement

Permanent full-time employees, and any permanent employee expected to work for the TJCOG for more than at least 1,000 hours annually in a calendar year, are required to join the North Carolina Local Governmental Employees’ Retirement System upon becoming eligible. Each permanent employee who is expected to work for the TJCOG more than 1,000 hours annually shall join the North Carolina Local Governmental Employees’ Retirement System when eligible as a condition of employment. New hires who are current members of the NC Local or State Governmental Employees’ Retirement Systems shall be covered under the retirement system by the TJCOG on their first day of employment. A separate handbook is available from the retirement system for further reference. In the event of conflict between the Retirement System policies/handbook and this manual, the Retirement System’s policies/handbook will govern.

Section 56. Supplemental Retirement Benefits

The TJCOG may provide supplemental retirement benefits for its permanent full and part-time employees. Each employee may receive supplemental benefits as approved by the TJCOG Board, with the TJCOG Board of Delegates approval.

Section 62. Medical Insurance for Retired Employees

Section 7. Medical Insurance for Retired Employees

Permanent regular full-time employees hired and working prior to DATE and who retire with from TJCOG service and qualify for benefits under the provisions set forth in the Local Governmental Employee’s Retirement System may continue health insurance for themselves under a policy selected by TJCOG and substantively equivalent to the coverage offered to current TJCOG employees. This policy continues coverage for retired employees until the retiree qualifies for Medicare, at which time Triangle J then provides a Medicare Supplement. TJCOG will pay the premium for the coverage (whether on the policy selected by TJCOG or the Medicare supplement) based on the equivalent years of service of the retired employee:

<table>
<thead>
<tr>
<th>Retire with TJCOG Service:</th>
<th>Individual Health Insurance Premium:</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Least</td>
<td>Not More Than TJC0G Pays Employee Pays</td>
</tr>
<tr>
<td>5 years</td>
<td>10 years</td>
</tr>
<tr>
<td>10 years</td>
<td>15 years</td>
</tr>
<tr>
<td>15 years</td>
<td>20 years</td>
</tr>
</tbody>
</table>

Commented [JH12]: Update date based on when new policy is approved.
Such employees may elect to purchase health insurance coverage for their families, and shall pay the full cost of this dependent coverage. In the event of the death of a pre-65 retired employee who was receiving health insurance coverage, the spouse or dependent may elect to continue coverage under the policy selected by TJCOG following the expiration of their COBRA benefits by continuing to pay the full cost of this coverage.

*Editor’s Note:* “Retire” as defined here, is to meet the service and age requirements to be eligible to draw a monthly allowance from the N.C. Local Government Employee’s Retirement System at the time an employee leaves employment. Triangle J’s medical insurance coverage for prescription drugs, dental, and vision care will continue to be provided by TJCOG when a retired employee moves into Medicare through the various Medicare provisions for these types of services.

### Section 8. Social Security

The TJCOG, to the extent of its lawful authority and power, extends Social Security benefits for its eligible employees and eligible groups and classes of such employees.

### Section 79. Workers’ Compensation

All employees of the TJCOG (regular and temporary) are covered under the N.C. Workers’ Compensation Act. If an employee is injured during the course of his or her employment, the employee or employee’s representative must report the accident to the employee’s supervisor or Executive Director in writing immediately or as soon thereafter as practicable, but no more than 30 days after the accident.

All employees of the TJCOG (permanent regular and temporary) are covered by the North Carolina Workers’ Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers’ Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury.

### Section 10. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. TJCOG employees who are terminated due to a

| 20+ years | 100 % | 0 % |

Commented [13]: TJCOG doesn’t actually have control over whether works get social security benefits, so I’m not sure you need to address it.

Commented [14]: Same as above – not something TJCOB has any control over.
reduction in force or released from TJCOG service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 811. Tuition Educational Assistance Program (degree programs)

Full-time permanent regular employees who have completed initial probation may apply for tuition-educational reimbursement for courses to complete a degree program and taken on their own time, which the TJCOG determines will improve their skills for their current job or prepare them for promotional opportunities within the TJCOG service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of five hundred dollars ($500) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of Department Head and TJCOG Executive Director, subject to availability of funds.

As a condition of receiving tuition assistance from TJCOG with funding an Associate’s, Bachelor’s or Master’s degree, the employee must enter into a Letter of Agreement requiring repayment of the tuition assistance if the employee leaves employment with the TJCOG before a date specified in the contract. Any reimbursement by TJCOG is intended to supplement and not take the place of other financial support.

Procedures for educational reimbursement are as follows:

A. Any request for educational reimbursement must be approved by the department head in advance of course registration, based upon appropriate documentation.
B. Upon the successful completion of a TJCOG-approved course, the TJCOG may pay the costs of tuition, additional course fees, books or other course materials incurred by the employee, not to exceed five hundred dollars, one thousand five hundred dollars ($1,500) per fiscal year.
C. If the employee fails to earn a grade of “C” or better in the course(s), he or she will not be eligible for educational reimbursement. TJCOG will not provide any reimbursement for audited classes.

Section 12. Commuters Benefits – Best Workplaces for Commuters Program

It is the policy of Triangle J to participate in and be a part of the national Best Workplaces for Commuters (BWC) Program as sponsored by the United States Environmental Protection Agency (EPA). The executive director is hereby authorized to establish and maintain employee benefits necessary to satisfy requirements of the BWC Program to qualify the Council as a Best Workplace for Commuters. The provision of such benefits must be consistent with the requirements of the BWC Program and shall conform to the availability of funds within the annual budget of Triangle J as approved by the Board of Delegates.
ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the TJCOG is to provide vacation, sick leave, and holiday leave to all permanent regular employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Permanent Regular part-time employees will earn leave on a pro-rated basis. Employees shall accrue leave proportionately with each pay period.

Section 2. Holidays

The following days, and other such days as the TJCOG Board may designate, are holidays with full pay for employees and officers of the TJCOG:

New Year's Day   Labor Day
Martin Luther King's Birthday   Veterans Day
Good Friday   Thanksgiving Thursday & Friday
Memorial Day   Christmas (two to three days)
Independence Day   [Two Floating Holidays]

Christmas holidays will be three days except when Christmas day falls on Saturday or Sunday when two holidays will be granted. The actual holidays to be observed will be published by the Executive Director by July 15 of each year.

When any recognized holiday other than Christmas falls on Saturday or Sunday, the following Monday will be the designated holiday. When any recognized holiday falls on Saturday or Sunday, the Executive Director will determine the dates to be observed.

Employees will be granted two Floating Holidays per fiscal year. A floating holiday is a day off from work with full pay and can be taken on a day chosen by the employee. The Floating Holiday must be scheduled and approved in advance by the employee's supervisor. The Floating Holiday must be taken during the fiscal year and will not roll over into another fiscal year.

Section 3. Holidays: Effect on Other Types of Leave
Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs.

Section 5. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of the probationary period, except by approval of the Executive Director. Employees shall be allowed to take accumulated vacation leave after six months of service.

Section 46. Vacation Leave: Accrual Rate

Each permanent full and part-time employee of the TJCOG shall earn vacation leave on a bi-weekly basis based upon the following accrual schedule, prorated by the average number of hours in the workweek:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Days Accrued Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 12</td>
<td>120</td>
</tr>
<tr>
<td>2 – 4</td>
<td>144</td>
</tr>
<tr>
<td>5 – 9</td>
<td>175</td>
</tr>
<tr>
<td>10 – 14</td>
<td>2048</td>
</tr>
<tr>
<td>15 – 19</td>
<td>234</td>
</tr>
<tr>
<td>20 plus</td>
<td>264</td>
</tr>
</tbody>
</table>

Effective January 1, 2013, for recruitment purposes, first year New regular employees will be credited with 192 days of vacation leave upon their initial date of employment prorated by the average number of hours they are scheduled to work per week. If an employee voluntarily resigns or is terminated from employment within the first year the TJCOG will deduct from the employee’s final salary payment the dollar value of any vacation hours used in excess of the normal first year bi-weekly accrual rate.

Section 75. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the last payroll through December 31 of the calendar year. Any employee with more than 240 hours of vacation leave shall have excess hours removed from vacation and shall be added to the
employee's sick leave balance.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 68. Vacation Leave: Manner of Taking

Upon request, employees shall be granted the use of earned vacation leave upon request, in advance, at those times designated by the Department Head supervisor which will least obstruct normal operations of the TJCOG. Department heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave may be taken in quarter hour (1/4 hour) increments as desired by the employee, subject to approval by the supervisor.

Section 79. Vacation Leave: Payment upon Separation

Upon separation, an employee who has successfully completed the probationary period will normally be paid for accumulated vacation leave upon separation, up to 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Hours over 240 will be rolled to sick leave. Probationary employees will only be paid for their earned vacation leave. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the TJCOG Executive Director when deemed to be in the best interest of the TJCOG. Employees who are involuntarily separated shall receive payment for accumulated vacation.

Section 840. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the TJCOG shall be entitled to payment of all the accumulated vacation leave credited to the employee's account up to 240 hours, not to exceed the maximums established in Section 7 of this Article.

Section 911. Sick Leave

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, medical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave may be taken in quarter hour (1/4 hour) increments.
Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Sick leave may also be used for death in the employee’s immediate family, but may not exceed five days for any one occurrence. The actual number of days is subject to the approval of the Executive Director. Additional leave time required for such occurrence may be charged to vacation or other approved leave such as compensatory time when approved by the TJCOG Executive Director.

Sick leave may also be used to supplement Workers’ Compensation Disability Leave both during the waiting period before Workers’ compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the regular gross salary amount using this provision.

Sick leave may also be used to supplement Short Term Disability both during the waiting period before Short Term Disability benefits begin, and afterward to supplement the remaining 40% of salary, except that employee may not exceed the regular gross salary amount using this provision. Employees choosing not to fully supplement their Short Term Disability will have benefits reduced to the sum of the 60% plus the supplement of their current eligibility. Refer to Section 17, Short Term Disability Coverage.

“Immediate family” shall be defined as spouse, child, parent or step-parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law, or father-in-law, of the employee, or guardian. Step relationships of the previous list are also part of this definition. Other relationships may be added with the approval of the Executive Director.

If the need for sick leave is known in advance, the employee should submit a written leave request to the supervisor as soon as possible. If the sick leave was not anticipated in advance, the employee should notify his or her supervisor as soon as possible.

Any request for sick leave that may trigger Extended Medical Leave should be forwarded to the Human Resources Officer for review. The following are some common requests that should trigger a referral to HR:

- Request for intermittent leave due to an ongoing medical condition or medical treatment;
- Request for leave for surgery or other medical reason requiring hospitalization;
- Request for leave to care for family member with a health condition;
- Request for sick leave of two weeks or more.

Notification of the desire to take sick leave shall be submitted to the employee’s supervisor prior to the leave or according to departmental procedures.
Section 102. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year for full-time permanent regular employees, with a pro rata amount of sick leave accrued by part-time permanent regular employees. Sick leave for full-time and part-time employees working other than the basic work schedule shall be pro-rated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees’ Retirement System, for eligible employees.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the TJCOG, except as stated for employees retiring or terminated due to reduction in force.

Section 113. Sick Leave: Transfer

Employees joining the TJCOG from positions in other jurisdictions which are members of the North Carolina Local Governmental Employee’s Retirement System or the North Carolina State Employee’s Retirement System may request that their accumulated sick leave be transferred to TJCOG. Up to 240 hours of sick leave may be transferred, unless otherwise approved by the Executive Director.

Section 112. Sick Leave: Donation

Voluntary shared leave allows one employee to assist another employee in the case of a prolonged medical condition that exhausts the employee’s available leave and would otherwise force the employee to be placed in leave without pay status, resulting in a loss of income and benefits. The receiving of shared leave must be approved by both the department head and Executive Director and subject to denial. An employee must fill out an application with the Human Resource Officer to be considered for shared leave. Eligibility Requirements are outlined below.

The recipient must meet the following requirements:
- has successfully completed the probationary period;
- has a personal medical condition that requires absence from work for more than three consecutive work days as certified by a physician;
- has exhausted all sick leave, annual leave, and compensatory leave time;
- cannot receive more leave than needed for the medical condition as stated in writing by the employee’s physician; and
- has not received shared leave within the past twelve months.

The donor must meet the following requirements:
• has successfully completed the probationary period;
• retains, after the donation, a combined annual leave and sick leave balance of no less than 240 hours;
• understands that the leave is irrevocable.

Employees out on workers’ compensation leave or employees receiving disability insurance benefits are not eligible for shared leave. Leave is available for use on a current basis and is not retroactive beyond the current pay period. Leave donations will be kept confidential unless otherwise requested by the donor.

**Section 12. Sick Leave: Medical Certification**

The employee’s supervisor or Department Head may require a physician’s certificate stating the nature of the employee’s illness and the employee’s capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a “pattern of absenteeism.” The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end:

1. Employees shall not be on duty when they might endanger their health or the health of other employees; and
2. There will be no abuse of leave privileges.

Absences of more than five consecutive days must be supported by a physician’s statement or other acceptable proof that the employee was unable to work due to personal illness/injury, medical appointment, or illness. The doctor’s note requirement may be waived by the employee’s supervisor for specific absences.

The supervisor, in consultation with the Executive Director, may require medical documentation for absences of less than five consecutive days for individual employees with a history of numerous absences or other administrative concerns.

Any request for sick leave that may trigger FMLA protection should be forwarded to the Human Resources office for review. The following are some common requests that should trigger a referral to HR:

- Request for intermittent leave due to an ongoing medical condition or medical treatment.
• Request for leave for surgery or other medical reason requiring hospitalization;
• Request for leave to care for family member with a health condition;
• Request for sick leave of two weeks or more.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 135. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time and regular part-time employees with fewer or more hours than the basic workweek shall be determined by the following formula:

A. The number of hours worked by such employees shall be divided by the number of hours in the basic full-time work-week (usually 37.5 hours).
B. The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic full-time workweek.
C. The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 14. Family and Medical Leave

The Family and Medical Leave Act (FMLA) entitles eligible employees who work for covered employers to take unpaid, job-protected leave for specified family and medical reasons. Triangle J Council of Governments is a covered employer under the regulation.

An eligible employee is one who:
• Works for a covered employer;
• Has worked for the employer for at least 12 months;
• Has at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave*; and
• Works at a location where the employer has at least 50 employees within 75 miles.

Because Triangle J has less than 50 employees, TJCOG employees are not eligible for FMLA benefits.

Section 156. Family and Medical Extended Medical Leave

The TJCOG chooses to provide eligible employees with an Extended Medical Leave (EML) program that closely resembles the FMLA guidelines. To be eligible for EML, an employee...
must have worked for the TJCOG for at least 12 months and have at least 1,250 hours of service for the TJCOG during the 12-month period immediately preceding the leave. The 12 months of service do not have to be consecutive - time previously worked for the TJCOG (including seasonal work) could, in most cases, be used to meet the 12-month requirement.

Under the TJCOG’s Extended Medical Leave program, eligible employees may take up to 12 workweeks of extended medical leave in a 12-month period, as defined below, for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

If both parents work for the TJCOG and each wishes to take EML for the birth of a son or daughter or placement of a son or daughter for adoption or foster care, the parents together may only take a total of 12 weeks leave.

A serious health condition means an illness, injury or impairment, or physical or mental condition that involves any period of incapacity or treatment:
- requiring an absence from work of more than three full, consecutive calendar days that also involves continuing treatment by a health care provider;
  - Continuing treatment means one in-person visit to a health care provider within the first seven (7) days of incapacity and either a second visit within the first thirty days or a regimen of continuing treatment under the supervision of a health care provider;
- connected with inpatient care;
- due to pregnancy;
- due to a chronic health condition such as asthma, diabetes, epilepsy;
- that is long-term or permanent due to a condition for which treatment may not be effective; or
- Involving multiple treatments (and recovery from the treatments) for a condition that would likely result in an incapacity for more than three consecutive days if left untreated (e.g., physical therapy, chemotherapy, dialysis).

An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member. The "single 12-month period" for military caregiver leave is different from the 12-month period
used for other Extended Medical Leave reasons.

An employee on both Extended Medical Leave and TJCOG-provided Short-Term Disability may, but is not required to, use accrued vacation leave, sick leave, or comp time to supplement the disability benefit when leave runs concurrently with EML.

An employee on Extended Medical Leave, may be paid (coordinated with the TJCOG’s Vacation, and Sick Leave, and Comp Time policies), 1-unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period [26-week period for qualifying exigency] may be approved in accordance with the TJCOG’s Leave without Pay policy.

Under some circumstances, employees may take Extended Medical Leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If EML leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the supervisor’s approval.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 timeleave begins.

The TJCOG has adopted the “rolling backward” method of calculating the Family-Extended Medical Leave year. Under the “rolling” method, an employee’s Extended Medical Leave entitlement is measured by looking back 12 months from the date of any Extended Medical Leave request. For example, if Extended Medical Leave is requested on July 1, the employee’s Extended Medical Leave balance will be determined by looking back to see how much Extended Medical Leave has already been used over the previous 12 months.

Family and medical leave can be used for the following reasons:

1. the birth of a child and in order o care for that child;
2. the placement of a child for adoption or foster care;
3. to care for a spouse, child, or parent with a serious health condition; or
4. the serious health condition of the employee;
5. certain qualifying exigencies arising out of the fact that an employee’s spouse, son, daughter or parent is a member of the military on active duty or being called to active duty. “Qualifying exigencies” are specifically defined by the FMLA; contact for more information;
6. to care for a spouse, parent, child or next of kin servicemember with a serious injury or illness incurred in the line of duty while on active duty.
Note that the 12-week leave entitlement may not apply to certain types of military-related leave. See for further details about military-related leave.

- A serious health condition is defined as a condition an illness, injury, impairment or physical or mental condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity or more than three consecutive days plus treatment by a healthcare provider days would be considered a serious health condition.

If a husband and wife both work for the TICOG and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent-in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use any paid sick vacation, accumulated compensatory time, and leave without pay for the remainder of the 12-week period.

The request for the use of leave must be made in writing by the employee and approved by the department head or TICOG Executive Director.

An employee who takes Extended Medical Leave under this policy will return to the same job or an equivalent job upon conclusion of EML. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

When an employee is on Extended Medical Leave under FMLA (maximum of 12 weeks in a year), the TICOG will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the TICOG will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

Section 167. Medical and Family-Extended Medical Leave -- Notice and Certification
When the need for Extended Medical Leave is foreseeable, the employee should give notice to the supervisor 30 days in advance. If 30 days’ notice is not possible, notice must be given as soon as practicable.

As provided in Section 11 of this article, supervisors must forward to the Human Resources Officer any request for sick leave that may trigger Extended Medical Leave. The Human Resources Officer will review the request and meet with the employee to determine if Extended Medical Leave is appropriate.

In order to qualify for leave under this law, the TJCOG requires medical certification. A sample certification is available from your supervisor. This statement from the employee’s or the family member’s physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee’s own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee’s presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee’s or family member’s condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee’s request). The certification and request must be made to the department head and filed with the Finance Director Human Resources Officer.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the TJCOG’s Leave Without Pay TJCOG Personnel Policy and the request has been approved.

Employees taking EMLA Extended Medical Leave for the employee’s own illness or injury, other than leave for birth or adoption of a child, will be required to furnish a doctor’s letter from their physician, in order to return to work at the end of their leave, certifying that the employee is fit to carry out the essential functions of the employee’s job. A fitness for duty sample certification form letter can be obtained from the benefits administrator Human Resources Officer.

Section 17. Short-Term Disability Coverage

The short-term disability benefit provided by TJCOG is an employer-funded plan providing income replacement for employees unable to work due to illness, pregnancy or injury.
A weekly short-term disability benefit is provided for each employee that qualifies for health insurance at no cost to the employee. This benefit starts on the eighth day of a non-work-related disability and continues for a maximum of 26 weeks. To be eligible for these benefits, the employee must be "continuously disabled so as to be actually prevented from the performance of every duty of his or her occupation." The benefit payment is 60 percent of the employee’s basic weekly salary.

When an employee is on Extended Medical Leave and Short-Term Disability concurrently, TJCQG will continue the employee’s health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. The other 40% of insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee on either Extended Medical Leave (EML) and TJCQG-provided Short-Term Disability may, but is not required to use accrued vacation leave, sick leave or comp time to supplement the disability benefit with 40 percent leave. If the employee elects to supplement, then benefit coverage would remain as if the employee had continued to work and no reimbursement payments would be necessary.

When the employee is only on Short-Term Disability after EML expires and does not supplement with leave, the employee is responsible for 40% of all the employer paid benefits. The employee must make payments for continued coverage health insurance benefits, as well as all other benefits.

Section 17. Leave Without Pay

A regular employee may be granted a leave of absence without pay for a period of up to twelve months by the TJCQG Executive Director. The leave shall be used for reasons of personal disability after both sick leave and vacation have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the TJCQG to benefit by the experience gained or the work performed, or for other reasons deemed justified by the TJCQG Executive Director.

The employee shall apply in writing to the supervisor for leave. Requests should be submitted at least 30 days prior to the need, unless circumstances prevent. The supervisor will review the request and make a recommendation to the Executive Director. The employee is obligated to return to duty within or at the end of the time determined appropriate by the TJCQG Executive Director. Upon returning to duty after being on leave without pay, the employee Executive Director will make an effort shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an
extension has been requested, shall be considered a resignation.

Section 19. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the TJOC will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the TJOC will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the TJOC's group insurance plans at his or her own expense, subject to any regulation adopted by the TJOC Board and the regulations of the insurance carrier. Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

Section 2018. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the TJOC's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the TJOC and have leave hours re-instated for all time covered by paid leave. In such cases, the TJOC will pay the employee for any unpaid time that is owed the employee.

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

1) There is a mandatory 7-calendar-day waiting period before Workers' Compensation salary benefits begin. For this initial 7-day waiting period, employees may use sick leave, vacation leave, or compensatory time—or leave without pay during any
applicable waiting period prior to the commencement of workers’ compensation benefits.

2) Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers’ Compensation Leave Without Pay status. Employees who qualify for Workers Compensation benefits will be placed on Leave Without Pay status while receiving those benefits. The employee may also elect to supplement workers’ compensation payments with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers’ compensation payments does not exceed normal compensation.

Employees receiving Workers’ Compensation benefits will not accrue vacation leave, sick leave or paid holidays and their local government retirement and 401k benefits are not paid during this period. Employees will retain all accumulated sick and vacation leave.

3) When workers’ compensation leave extends long enough for the waiting period to be reimbursed, the employee may return the reimbursement check to the TJCOG and have leave hours re-instated for the value of the time reimbursed by Worker’s Compensation.

4) Any period of leave for a Workers’ Compensation injury that qualifies as a “serious health condition” under the TJCOG Extended Medical Leave Policy will run concurrently with Extended Medical Leave.

An employee on Workers’ Compensation leave may be permitted to continue to be eligible for certain benefits under the TJCOG group insurance plans during the 12-week EML period. Employees may elect to continue health benefits by electing COBRA.

5) Upon reinstatement, an employee’s salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers’ Compensation benefits.

6) After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers’ Compensation payment.

7) The TJCOG’s personnel policies shall continue to apply to an employee on Workers’ Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.

8) An employee is prohibited from moonlighting or performing other outside work during workers’ compensation leave.
The ability to return to work will be assessed individually and on a case-by-case basis. The TJCOG will engage in an interactive process with the employee to carefully analyze whether accommodations requested are reasonable while not creating an undue hardship to the TJCOG. The need for workplace accommodations will be reviewed using the interaction process in Section ___ of this manual. If business necessity requires the TJCOG to fill the position prior to the employee's return to work, the employee will receive priority consideration for qualified job openings for 6 months after their medical release to work.

Before an employee may return to work from a Workers' Compensation injury at full or light duty, the employee must provide a physician's note or Fitness for Duty certification to his/her supervisor indicating that he/she is released and capable of resuming duties, and what, if any restrictions are in place.

Section 2019. Return to Work

The TJCOG has an established light duty return-to-work policy. A light duty assignment is defined as a temporary work assignment within the employee's physical abilities, knowledge and skills, which allows an employee to return to work performing different duties until the employee is able to return to his/her original position following an on-the-job injury. The light duty assignment temporarily addresses the restrictions placed on the employee by the treating physician. For work to be considered suitable light duty employment, the following conditions must be met:

A. The employee must meet the required qualifications for the light duty assignment,
B. The work must be a meaningful and productive part of the department's operations,
C. The work must conform to the medical restrictions set by the medical care provider, and
D. The light duty assignment and/or modified work schedule should not exceed ninety calendar days.

If the employee's regular department is unable to meet the employee's need for light duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a light duty assignment in a different department that has been able to meet the employee's needs. The employee placed in a light duty assignment will be paid a salary that is equivalent to the salary of other employees holding the same position. The TJCOG cannot guarantee placement and is under no obligation to offer or create any specific position for purposes of offering placement. Employees in a light duty assignment are expected to comply with the TJCOG policies and performance expectations as if they were working in their regular, full-time position.
An employee may choose to accept or refuse the Return to Work (modified duty) job offer. However, an employee who refuses a reasonable Light Duty offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers’ Compensation Insurance.

If an employee is unable to return to work at full duty after 90 calendar days, he/she may request a continuation of light duty. Approval beyond 90 calendar days will be based upon the individual assessment of the employee’s ability to return to full duty within the immediate future as well as business necessity. An employee requesting an extension beyond 90 calendar days must submit updated information from the treating physician. The TJCOG reserves the right to consider a separation of employment for any employee who is out on Workers’ Compensation leave for an extended period of time thus causing hardship for the department. The TJCOG will engage in the interactive process to determine whether a reasonable accommodation is possible for a qualified individual with a disability to enable them to perform the essential functions of the job, unless doing so causes an undue hardship to the TJCOG or a direct threat to employees or workplace safety.

Section 240. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a TJCOG employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee’s salary at the normal level during this period. If such duty is required beyond these ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee’s leave credits and other benefits shall continue to accrue as if the employee physically remained with the TJCOG during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

In accordance with federal and state laws, the TJCOG provides military leave to employees who are members of a United States Armed Forces Reserve organization or National Guard for absences to perform military duty, whether voluntary or involuntary. Absences to perform any military duty (including active duty, active duty training, inactive duty training such as scheduled drills and summer camp, full-time National Guard federal duty, fitness-for-duty examination, and funeral honors duty) are covered by this policy, unless the employee reaches the five-year maximum of military leave as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). This policy provides
military leave to regular TJCOG employees unless their employment is for a brief, non-
recurrent period and there is no reasonable expectation that such employment will
continue indefinitely or for a significant period.

Employees should submit a request for military leave to the supervisor or department head
as soon as advance of the military duty as possible. The request should be in writing and
should be accompanied by a copy of the military orders. Employees must report back to
work as soon after military duty as possible, consistent with federal and state laws.

If the reason for the employee’s delay an employee does not return to work after military
duty within the time provided by USERRA, is not related to military duties, the employee is
subject to the personnel policies and practices normally applied to employees with
unexcused absences. Employees may choose whether to use earned compensatory time,
accrued vacation leave (leave with pay), leave without pay, or some combination thereof for
these absences, and the provisions of that leave shall apply. Upon exhausting all other paid
leave, employees may request to use sick leave, if approved by the TJCOG Executive Director.

Regular employees choosing to use military leave may claim up to ten (10) days of
differential pay per calendar year provided the days are recorded as military leave and the
military basic pay is less than the employee’s regular TJCOG pay. To claim differential pay,
the employee must submit a copy of his/her military orders, pay vouchers, Leave and
Earnings Statement and/or other appropriate documentation evidencing performance and
compensation pertinent to the military duty.

On rare occasions when an employee may be called to perform any military duty (including
active duty, active duty training, inactive duty training such as scheduled drills and summer
camp, full-time National Guard federal duty, fitness-for-duty examination, and funeral
honors duty) two times in one calendar year, the Executive Director may grant an additional
10 days of differential pay while the employee is on military leave, subject to the above
provisions.

During the period of military leave, regular employees may continue health, vision, and
dental insurance coverage up to twenty four months eighteen months [under COBRA
coverage] provided they continue to pay their share of the premiums. As with any other
unpaid leave, employees do not accrue vacation leave or sick leave during the period of
leave without pay. However, the balance of such accruals on the date of commencement of
the military leave will remain intact for the employee’s return to work.

Section 212. Reinstatement Following Military Service.

An employee called to extended active duty with the United States military forces, who does
not volunteer for service beyond the period for which called, shall be reinstated with full

Commented [ 34]: USERRA: for leave of less than 31 days, must continue health coverage under same terms. Longer leave, must continue coverage up to 24 months but can require employee to pay 100% premium. Does TJCOG want to continue covering employer portion for a certain amount of time?

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benefits provided the employee:

1. Applies for reinstatement within ninety days after the release from military service; and
2. Is able to perform the duties of the former position or similar position; or
3. Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the TJCOG. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Employees who are separated or discharged from military service under honorable conditions and who apply for reinstatement within the established time limits are reinstated to the same position or one of like status, seniority, and pay with the TJCOG. If, during military service, an employee is disabled to the extent that the duties of the original position cannot be performed, the employee is reinstated to a position with duties compatible with the disability, if available. The employee's salary upon reinstatement is based on the salary rate just prior to leave, plus any general salary increase(s) implemented while on leave. The addition of a performance salary increase may be considered.

Employees who are eligible for military leave have all job rights specified by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

An employee's entitlement to the provisions of this section terminates upon the occurrence of any of the following events:

1. Such employee is separated from uniformed service with a disqualifying discharged dishonorable or bad conduct discharge;
2. Such employee is separated from uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned;
3. The TJCOG's circumstances have so changed as to make such reemployment impossible or unreasonable as defined by USERRA; or
4. Such employee gives clear written notice s/he has no intention of returning to work.

Section 223. Civil Leave

A TJCOG employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the TJCOG any witness fees or travel allowance awarded by that court for court appearances in connection with official TJCOG duties. While on civil leave, benefits and leave shall accrue as though on regular duty. Employees required
to be in court for their own case, defendant or plaintiff, must use vacation leave or compensatory time.

Section 243. Parental School Leave

A TJCOG employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child. This leave is subject to the three following conditions:

1. The leave must be taken at a time mutually agreed upon by the employee and the employee’s TJCOG supervisor;
2. The TJCOG may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
3. The TJCOG may require written verification from the child’s school that the employee was involved at the school during the leave time granted.

For the purpose of this section, “school” means any public or private school grades K to 12, preschool, and childcare facility.

Paid leave taken by an employee to attend school activities of his or her child shall count towards the fulfillment of this provision by the Triangle J Council of Governments.

Vacation time can be taken by an employee to attend school activities of his or her child for any time beyond the four hours of parental school leave, subject to the vacation leave policies in this manual.
ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the TJCOG shall be designated as one of the following types and shall be accomplished in the manner indicated:
- Resignation,
- reduction in force,
- disability,
- voluntary retirement,
- death, or
- dismissal, or
- death.

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the department head and approval by the TJCOG Executive Director.

Three Two consecutive, One days of absence without contacting the immediate supervisor or department head may be considered to be a voluntary resignation, absent extenuating circumstances that prevented the employee from making contact. Sick leave will only be approved during the final two weeks of a resignation notice with a physician’s certification or comparable documentation.

Section 3. Reduction in Force

A reduction in force is a reduction in the number of positions due to lack of funding, elimination of a function, or other organizational needs. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained which positions must be eliminated. Employees who are separated because of a reduction in force shall be given at least 30 days notice of the anticipated action if reasonably possible. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

An employee who is unable to perform the essential functions of the job due to physical or mental impairment, even with reasonable accommodations, may be dismissed. Dismissal
under this provision does not impact the employee's eligibility for any applicable disability benefits if the disability was incurred while employed.

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Prior to such separation, the TJCOG will investigate all possibilities for reasonable accommodation and/or transfer. Action may be initiated by the employee or the TJCOG. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the TJCOG Executive Director. The TJCOG may require an examination, at the TJCOG's expense, performed by a physician of the TJCOG's choice.

Section 5. Voluntary Retirement

Employees must give notice of their intent to retire to their supervisors at least 60 days in advance, if possible. An employee who meets the conditions set forth under the provisions of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX of this policy.

Section 8. Reinstatement

An employee who is separated because of a reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the TJCOG Executive Director. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Section 89. Rehiring

An employee who resigns while in good standing or is separated because of a reduction in force may be rehired with the approval of the TJCOG Executive Director, subject to all of the provisions of rules and regulations of this Policy. An employee who is rehired in this manner shall be re-credited with his or her previously accrued sick leave and will resume vacation leave accrual at the rate earned prior to separation if rehired within five years of separation.
An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.
ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL MISCONDUCT PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee’s job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the TJCOG Executive Director prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspect of the employee’s job which is not performed as required to meet the standards set by the Department Head.

Examples of unsatisfactory job performance include, but are not limited to, the following:

A. Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
B. Careless, negligent or improper use of TJCOG property or equipment;
C. Physical or mental incapacity to perform duties after reasonable accommodation;
D. Discourteous treatment of the public or other employees;
E. Failure to maintain satisfactory and harmonious working relationships with fellow employees, stakeholders, clients and the general public;
F. Failure to adhere to TJCOG’s Core Values;
G. Absence without approved leave;
H. Improper use of leave privileges;
I. Pattern of failure to report for duty at the assigned time and place;
J. Failure to produce work of acceptable quality, quantity or accuracy;
K. Failure to complete work within time frames established, in work plan or work standards;
L. Failure to obtain or maintain current license or certificate required as a condition of the job; or
M. Failure to meet work standards, or expectations in the employee’s work plan, over a period of time.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee’s job performance is unsatisfactory, or when incidents or inappropriate
actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance continues to be unsatisfactory after one or more counseling sessions over a period of time should normally receive at least two written warnings from the supervisor, one of which may be the final written warning, before disciplinary action is taken. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. Such written warnings should be provided to the Human Resources Officer for inclusion in the employee's personnel file. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

1. A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension/administrative leave with or without pay, demotion, or dismissal.
2. If performance does not improve, a written recommendation should be sent to the department head or the TJCOG Executive Director for disciplinary action such as suspension/administrative leave with or without pay, -demotion, -or dismissal. Any recommendation for dismissal must be approved by the TJCOG Executive Director. Disciplinary suspensions should not generally exceed three days for nonexempt employees. FLSA requires that exempt employees not be suspended for less than one week if they are to retain their exempt status.

Section 4. Disciplinary Action for Detrimental Personal Conduct/Misconduct

With the approval of the TJCOG Executive Director, an employee may be placed on disciplinary suspension/leave without pay, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to TJCOG. Misconduct is defined as conduct that is illegal, unethical, dishonest, or can be reasonably expected to disrupt TJCOG operations or impair TJCOG’s reputation or relationships in the community, TJCOG service in order to 1) avoid undue disruption of work, 2) to protect the safety of persons or property, or 3) for other serious reasons. Disciplinary suspension/leave without pay should not normally exceed three work days (usually 24 hours).

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the TJCOG may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. Examples of detrimental personal conduct/misconduct include, but are not limited to, the following:
A. Fraud, theft, or other illegal activities;
B. Conviction of a felony or the entry of a plea of nolo contendere thereto;
C. Falsification of records for personal profit, to grant special privileges, or to obtain employment;
D. Misuse or gross negligence in the handling of TJCOG funds;
E. Personal use of TJCOG equipment or supplies;
F. Willful or wanton damage or destruction to property;
G. Willful or wanton acts that endanger the lives and property of others;
H. Possession of unauthorized firearms or other lethal weapons on the job;
I. Brutality in the performance of duties;
J. Violence or other aggressive threatening, intimidating, bullying, or disruptive behaviors whether by means of communication devices or by means of physical visits to the grounds or home of the targeted individual for the purpose of harassing an individual;
K. Insubordination;
L. Professional misconduct, including violation of the code of ethics of a professional organization providing certification;
M. Reporting to work under the influence of alcohol or drugs or excessive use of alcohol or partaking of such illegal substances while on duty; prescribed medication may be taken within the limits set by a physician as long as medically necessary;
N. Engaging in incompatible employment or serving a conflicting interest;
O. Request or acceptance of gifts in exchange for favors or influence;
P. Engaging in political activity prohibited by this policy;
Q. Harassment of an employee or the public with threatening or obscene language and/or gestures;
R. Harassment of an employee and/or the public on the basis of sex or any other protected class status;
S. Refusal to perform assigned duties or flagrant violation of work rules and regulations;
T. Conduct unbecoming behavior to a TJCOG employee.

Section 6. Pre-dismissal Conference.

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the TJCOG Executive Director or a department head will conduct a pre-dismissal conference. At this conference, the employee will receive an explanation of the charges and any supporting evidence, and will have the opportunity to respond. The employee may present any response to the proposed dismissal to the TJCOG Executive Director or department head. The TJCOG Executive Director or department head will consider the employee’s response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action.
and the employee’s appeal rights under the TJCOC’s grievance procedure.

Section 7. Non-Disciplinary Administrative Leave Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct misconduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the department head after consulting with the Executive Director, be in the best interest of the TJCOC, the department head may suspend the employee on administrative leave for part or all of the proceedings as a non-disciplinary action. In such cases, the department head may:

A. Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the investigation, or
B. Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would otherwise have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.
ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the TJCOG to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from TJCOG service.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

1. Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
2. Encouraging employees to express themselves about the conditions of work which affect them as employees;
3. Promoting better understanding of policies, practices, and procedures which affect employees;
4. Increasing employees’ confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
5. Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken unless
otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent, or by the investigator if necessary to provide for a full and fair investigative process. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the TJCOG Executive Director before the decision becomes effective. Mediation may be used at any step in the process.

**Step 1. Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally within ten working days of the time the employee learns of the event or circumstance. Either the employee or the supervisor may seek other forms of mediation as a resource to help resolve the grievance. Mediation may also be used at any point in the process upon mutual agreement by affected parties. The supervisor shall give an employee and answer within ten working days of receipt of the issue.

**Step 2.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate immediate supervisor (the person who took the action which created the grievance issue; could be immediate supervisor, division head, department head, etc.) in writing, with a copy to the Human Resources Officer or Executive Director. The grievance must be presented in writing within seven ten working days of the completion of the process outlined in Step 1, event or within seven fourteen calendar days of learning of the event or condition. The supervisor shall respond in writing to the grievance within seven calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the TJCOG in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor and submitted to the Human Resources Officer. In addition, the employee shall sign a copy to acknowledge receipt thereof. The Human Resources Officer will at each step shall send copies of the grievance and response to notify the Executive Director that a grievance has been filed.

**Step 3.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal in writing, to the next level supervisor (program manager, department head, Executive Director, etc.) with a copy to the Human Resources Officer, within seven calendar days after receipt of the response from Step 2. The next level supervisor shall respond to the appeal in writing, stating the determination of decision within seven calendar days after receipt of the appeal. The next level supervisor will provide
a copy of the response to the Human Resources Officer. The Human Resources Officer will notify the Executive Director that the grievance has been appealed to the next level supervisor.

**Step 43.** If the grievance is not resolved to the satisfaction of the employee at the end of Step 32, the employee may appeal in writing, to the TJCOG Executive Director within seven calendar days after receipt of the response from Step 32. The TJCOG Executive Director shall respond to the appeal in writing, stating the determination of decision within seven calendar days after receipt of the appeal. The TJCOG Executive Director’s decision shall be the final decision and shall be provided to the Human Resources Officer. The TJCOG Executive Director would notify the TJCOG Board of Delegates of any grievances involving impending reasonably likely to lead to legal action.

While employees are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the TJCOG Executive Director. After reviewing the grievance, the Executive Director has the authority to render a decision or refer the grievance to any step in the grievance procedure.

If the employee’s grievance is with the Executive Director, the employee can initiate this grievance procedure with the TJCOG attorney. An employee may contact the Human Resources Officer to obtain contact information for the TJCOG attorney.

**Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e., is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the TJCOG Executive Director. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action, but may appeal for up to six (6) months following the action.
ARTICLE XI. RECORDS AND REPORTS

Section 1. Personnel Actions

The Finance Director, with the approval of the TJCOG Executive Director, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located. Any document not located there is generally not considered an official part of that employee’s personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 2. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.